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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,296	08/29/2001	Margo N. Whale	10007167-1	6662

7590 09/24/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,296

Applicant(s)

WHALE, MARGO N.

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

Art Unit: 3627

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman et al. (hereinafter Boardman) in view of Hirst et al. (hereinafter Hirst)

Boardman teaches a decision network based event pricing system. Boardman teaches an event as any transaction between a supplier and a customer (the selling of a toner cartridge; column 2; lines 19-20). Boardman further teaches applying the event-pricing concept to any business domain where customers are billed for transactions that can be represented as events. Examiner notes that selling printing device replaceable component clearly represents an event as defined by Boardman, accordingly the system of Boardman can be applied to the sales of printing device replaceable components.

Boardman teaches the use of two types of decision networks, a Plan Selection Rule Set and an Algorithm Selection Rule Set. The Plan Selection Rule Set guides the event to price plans and the Algorithm Selection Rule Set is within the Plan Selection Rule Set and guides the event to algorithms which calculate the price (column 2; lines 42-50). Boardman further teaches with the Algorithm Selection Rule Set a Tariff Model Area, which is a grouping of rates and associate Tariff Model Sensitivities that collectively can be used in a Price Plan to determine a

Art Unit: 3627

price based on usage (column 4; lines 28-32). (Examiner notes that these features represent determining a price for one or more printing device replaceable component based on usage).

Boardman does not specifically teach detecting an occurrence of a marketing event, however Examiner notes that it is inherent to the system that a marketing event be detected. Examiner asserts that as the process of Boardman relates to event-price determination, the detection of a marketing event is necessarily present as the sole means by which one of ordinary skill would begin to determine a price.

Examiner further notes the inherency of the particular brand of printing device replaceable component with regard to the marketing event which triggers the event-price determination of Boardman. The particular brand is necessarily present with regard to the marketing event as the sole means by which a company knows which product they are pricing.

Examiner still further notes that the step of determining usage is inherent to the system of Boardman. Examiner asserts that in order for the system of Boardman to determine a price based on usage (column 4; lines 28-32) a means for determining the usage is necessarily present.

Boardman does not teach determining usage utilizing a memory chip within a printing device replaceable component. Hirst teaches a memory device located on or within a consumable (printing device replaceable component with memory chip) (column 2; lines 32-33) used to communicate with a manufacturer of the consumable component regarding consumption rate (column 2; lines 19-21). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Boardman to include a connection to the memory chip of Hirst in order to receive information regarding consumption (usage).

Art Unit: 3627

Boardman does not teach specific marketing events, including receiving an order, customer inquiry, receiving depleted toner cartridge or detecting a time for an unsolicited advertisement. Examiner takes Official Notice that the following are old and well known marketing events: receiving an order, customer inquiry, receiving depleted toner cartridge or detecting a time for an unsolicited advertisement. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Boardman in include the detection of one of these specific marketing events (receiving an order, customer inquiry, receiving depleted toner cartridge or detecting a time for an unsolicited advertisement) in order for the company to generate business.

Conclusion


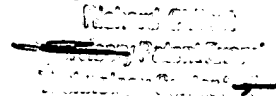
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

James A. Kramer
Examiner
Art Unit 3627

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3